

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CASTLETON DELI AND GROCERY CORP.,
and AHMED ALHRAZI,

Plaintiffs,

-against-

NOT FOR PUBLICATION
MEMORANDUM & ORDER
20-CV-2991 (CBA) (RML)

UNITED STATES OF AMERICA,
Defendant.

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AMON, United States District Judge:

On July 6, 2020, plaintiffs Castleton Deli and Grocery Corp., and Ahmed Alhrazi (“Plaintiffs”) filed suit against defendant the United States of America (“Defendant”). Plaintiffs requested judicial review of an administrative decision which permanently disqualified Plaintiffs from jointly participating as a Supplemental Nutrition Assistance Program (“SNAP”) retailer and found that Plaintiffs had engaged in SNAP trafficking. On January 14, 2021, Plaintiffs’ attorney moved to withdraw as counsel, citing Plaintiffs’ failure to respond to discovery requests and general non-responsiveness. (ECF Docket Entry No. 19.) After a hearing on the motion, the Honorable Robert M. Levy, United States Magistrate Judge, granted the motion to withdraw on January 19, 2021. In the order granting the motion, Judge Levy advised Plaintiffs that a corporation may not represent itself in federal litigation, and that if an attorney did not file a notice of appearance for Castleton by March 19, 2021, he would recommend that Castleton’s claims be dismissed for failure to prosecute. Judge Levy also scheduled a status conference for March 22, 2021 and advised Plaintiffs that failure by either of the plaintiffs to appear would result in a recommendation that the case be dismissed for failure to prosecute. Plaintiffs failed to appear for the scheduled status conference. On May 24, 2021, Defendant moved to dismiss for failure to prosecute. On May 27, 2021, I referred the motion to dismiss to Judge Levy for Report and

Recommendation. Judge Levy issued his Report and Recommendation (“the R&R”) on July 9, 2021, recommending that Defendant’s motion be granted and that the case be dismissed for failure to prosecute. Copies of Judge Levy’s Report and Recommendation were mailed to both Castleton and Ahmed Alhrazi on July 13, 2021.

No party has objected to the R&R, and the time for doing so has passed. When deciding whether to adopt an R&R, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). To accept those portions of the R&R to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks and citation omitted).

I have reviewed the record and the factors set forth in LeSane v. Hall’s Sec. Analyst, Inc., 239 F.3d 206, 209 (2d Cir. 2001) (setting forth considerations when dismissing for failure to prosecute). Finding no clear error, I adopt the R&R. This case is dismissed, without prejudice, for failure to prosecute. The Clerk of Court is respectfully directed close the case.

SO ORDERED.

Dated: July 30, 2021
Brooklyn, New York

/s/ Carol Bagley Amon
Carol Bagley Amon
United States District Judge